

**INDUSTRIAL STORM WATER PERMIT REFERENCE SHEET**

(7/92)

BACKGROUND:

Pollutants in storm water discharges from many sources are uncontrolled. Nationwide, up to 30% of recorded water quality problems are caused by storm water discharges. To reduce this impact, Congress amended the federal Clean Water Act to require the U.S. Environmental Protection Agency (EPA) to control storm water discharges through the National Pollutant Discharge Elimination System (NPDES) permit program. To fulfill its responsibility, EPA adopted new permit regulations for storm water (40 CFR Parts 122, 123, 124). The goals of these new storm water NPDES regulations are to:

- Stop the illegal discharge of waste waters and other pollutants into storm sewers, which should be used only for storm water and other legally permitted discharges,
- Reduce the amount of pollutants in storm water,
- Establish a permit system for storm water discharged by municipalities over 100,000 in population,
- Establish a permit system for storm water discharged from industrial sites; and
- Eliminate water quality standards violations caused by storm water discharges.

BASELINE PERMIT

The Washington Department of Ecology is responsible for implementing EPA requirements for storm water permits in Washington State. As a first step in implementing the federal requirements, Ecology plans to write one permit which will cover most of the thousands of industries required to have a storm water permit. We refer to this permit as the Baseline General Permit for Industrial Storm Water, or more simply, the baseline permit.

INDUSTRIAL ACTIVITIES NEEDING A PERMIT

EPA regulations list those industrial activities which may need to have a storm water discharge permit (see back of this sheet). The federal regulation applies only to "point source" storm water discharges to surface waters and storm sewers. A "point source" discharge is defined in state regulations as "any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container....from which pollutants are or may be discharged." For the industries identified in categories (1) through (10) on the back of this sheet, a permit is necessary if there is a **point source** storm water discharge to a surface water or a storm sewer from any area which is directly related to manufacturing, processing, or raw materials storage. This includes:

- Industrial plant yards;
- Immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products, waste material, or by-products used or created by the facility;
- Material handling sites;
- Refuse sites;
- Sites used for the application or disposal of process waste waters (as defined in 40 CFR part 401);
- Sites used for the storage and maintenance of material handling equipment;
- Sites used for residual treatment, storage, or disposal;
- Shipping and receiving areas;
- Manufacturing buildings;
- Storage areas (including tank farms) for raw materials, and intermediate and finished products; and
- Areas where industrial activity has taken place in the past and significant materials remain and are exposed to storm water.

For industries identified in category (11) (on the back of this sheet), a permit is required for point source discharges from any of the areas that are listed above (except access roads and rail lines of category (11) industries) only if material handling equipment or activities, raw materials, intermediate products, final products, waste materials, by-products, or industrial machinery are exposed to storm water.

WHEN AND HOW TO APPLY FOR THE BASELINE PERMIT

Application for coverage under the baseline permit should be submitted within 90 days after Ecology issues the permit (targeted for September, 1992), or by October 1, 1992 which is the current federal deadline for applying for a storm water permit.

Due to the limited time between the anticipated permit issuance date and the federal deadline, Ecology will exercise regulatory discretion and may not take legal action against those who apply within 90 days after the permit is issued. However, those who apply after October 1, 1992 could be subject to legal actions by the federal government or by third parties.

An application for coverage under the baseline permit can be made by completing a "NOTICE OF INTENT." The Notice of Intent is a brief document which asks for basic information about the industrial facility or construction site.

PERMIT FEES

State law requires Ecology to recover the cost of the Water Quality Permit Program. Therefore, Ecology will initiate an annual fee for the permit *beginning July 1, 1993*. The fee amount will be determined through an amendment to Ecology's permit fee regulation (Chapter 173-224 WAC). Public workshops and hearings will be scheduled in 1993 to discuss the permit fee regulation amendments.

OTHER AVAILABLE INFORMATION

Call (206) 438-7034 if you would like copies of the following documents:

- Draft Fact Sheet which describes permit requirements, who must apply, and background information.
- Draft Baseline General Permit
- Small Business Economic Impact Statement
- Notice of Intent (application form) and instructions.

Call (206) 438-7614 if you have more detailed questions.

Industries Subject To Federal Regulation: (Reference: 40 CFR 122.26(b)(14))

The following categories (1 through 10) of facilities are considered to be engaging in industrial activity. They are required by USEPA to have a storm water NPDES permit if they have a storm water discharge to a surface water or a storm sewer.

1 Facilities subject to storm water effluent limitations guidelines, new source performance standards, or toxic pollutant effluent standards under 40 CFR subchapter N (except facilities with toxic pollutant effluent standards under category 11, below).

2 Facilities classified by the Standard Industrial Classification (SIC):

- 24 - Lumber and Wood Products Except Furniture (except 2434- Wood Kitchen Cabinets) PLEASE SEE FOOTNOTE.
- 26 - Paper and Allied Products (except 265-Paperboard Containers and Boxes, and except 267-Converted Paper and Paperboard Products except Containers and Boxes)
- 28 - Chemicals and Allied Products (except 283-Drugs; and 285-Paints, Varnishes, Lacquers, Enamels, and Allied Products)
- 29 - Petroleum Refining and Related Industries
- 311 - Leather Tanning and Finishing
- 32 - Stone, Clay, Glass and Concrete Products (except 323-Glass Products, made of Purchased Glass)
- 33 - Primary Metal Industries
- 3411 - Fabricated Structural Metal Products
- 373 - Ship and Boat Building and Repair

3 Facilities classified by the Standard Industrial Classification (SIC) system as:

- 10 - Metal Mining
- 12 - Coal Mining
- 13 - Oil and Gas Extraction
- 14 - Mining and Quarrying of Nonmetallic Minerals, except Fuels

This category includes active or inactive mining operations (except for areas of coal mining operations no longer meeting the definition of a reclamation area under 40 CFR 434.11(1))...or except for areas of non-coal mining operations which have been released from applicable state or federal reclamation requirements by December 17, 1990) and oil and gas exploration, production, processing or treatment operations, or transmission facilities that discharge storm water that has come into direct contact with any overburden, raw material, intermediate products, finished products, byproducts or waste products located on the site of such operation.

4 Hazardous waste treatment, storage, or disposal facilities, including those that are operated under interim status or a permit under subtitle C of RCRA.

5 Landfills, land application sites and open dumps that receive or have received any industrial wastes (waste that is received from any of the facilities described under this subsection) including those that are subject to regulation under subtitle D of RCRA.

6 Facilities involved in the recycling of materials including metal scrap yards, battery reclaimers, salvage yards and automobile junkyards, including but not limited to those classified as SIC 5015-Wholesale Trade Activities of Motor Vehicle Parts, Used; and SIC 5093-Scrap and Waste Materials.

7 Steam electric power generating facilities, including coal handling sites.

8 Transportation facilities classified under the following SIC codes, which have vehicle maintenance shops, equipment cleaning operations or airport deicing operations. (Only those portions of the facility involved in the above activities, or which are otherwise identified in one of the other 10 categories.)

40 - Railroad Transportation

41 - Local and Suburban Transit and Interurban Highway Passenger Transportation

42 - Motor Freight Transportation and Warehousing (except 4221-Farm Product Warehousing and Storage, 4222-Refrigerated Warehousing and Storage, and 4225-General Warehousing and Storage)

43 - United States Postal Service

44 - Water Transportation

45 - Transportation by Air

5171-Petroleum Bulk Stations and Terminals

9 Treatment works treating domestic sewage or any other sewage sludge or wastewater treatment device or system, used in the storage treatment, recycling, and reclamation of municipal or domestic sewage, including land dedicated to the disposal of sewage sludge that are located within the confines of the facility, with a design flow of 1.0 million gallons per day or more, are required to have an approved pretreatment program under 40 CFR part 403.

Not included are farm lands, domestic gardens or lands used for sludge management where sludge is beneficially reused and which are not physically located in the confines of the facility, or areas that are in compliance with section 405 of the Clean Water Act.

10 Construction activity including clearing, grading and excavation activities except: Operations that result in the disturbance of less than five acres of total land area which are not part of a larger common plan of development or sale.

11 Facilities under the following SIC classifications need to apply for a storm water NPDES permit only if they are engaged in an industrial activity which is exposed to storm water and they have a point source storm water discharge to a surface water or a storm sewer

20 - Food and Kindred Products

21 - Tobacco Products

22 - Textile Mill Products

23 - Apparel and Other Finished Products Made From Fabrics and Similar Materials

2434-Wood Kitchen Cabinets

25 - Furniture and Fixtures

265-Paperboard Containers and Boxes

267-Converted Paper and Paperboard Products, Except Containers and Boxes

27 - Printing, Publishing and Allied Industries

283-Drugs

285-Paints, Varnishes, Lacquers, Enamels, and Allied Products

30 - Rubber and Miscellaneous Plastic Products

31 - Leather and Leather Products (except 311. Leather Tanning and Finishing)

323-Glass Products made of Purchased Glass

34 - Fabricated Metal Products, Except Machinery and Transportation Equipment (except 3411-Fabricated Structural Metal Products)

35 - Industrial and Commercial Machinery and Computer Equipment

36 - Electronic and Other Electrical Equipment and Components, Except Computer Equipment

37 - Transportation Equipment (except 373-Ship and Boat Building and Repair)

38 - Measuring, Analyzing, and Controlling Instruments, Photographic, Medical and Optical Goods, Watches and Clocks

39 - Miscellaneous Manufacturing Industries

4221-Farm Product Warehousing and Storage

4222-Refrigerated Warehousing and Storage

4225-General Warehousing and Storage

FOOTNOTE: Ecology is proposing to exempt SIC 2411-Logging. This exemption includes establishments primarily engaged in cutting timber and in producing rough, round, hewn, or even primary forest or wood raw materials, or in producing wood chips in the field.